



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,118	02/25/2004	Osamu Kimura	1075.1253	1980
21171 7590 12/18/2006 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER WALTER, CRAIG E	
			ART UNIT 2188	PAPER NUMBER
			MAIL DATE 12/18/2006	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/785,118	Applicant(s) KIMURA ET AL.	
	Examiner Craig E. Walter	Art Unit 2188	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

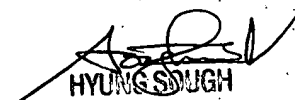
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended:
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 9-13, 15-18, 23-27, 29, 30.
Claim(s) withdrawn from consideration: _____.

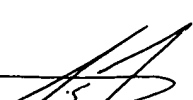
AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


HYUNG SOUNG
SUPERVISORY PATENT EXAMINER
12/11/06


Craig E. Walter
Examiner AU 2188

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments presented after prosecution was closed by the Office action designated FINAL mailed on 7 September 2006 were fully considered, however they are not persuasive for the same reason made of record by said FINAL action. Applicant's has put forth arguments in this after final amendment which are very similar in nature to the ones presented in the response to the non-final Office action mailed on 17 March 2006. In the interest of completeness, Examiner will briefly address the arguments set forth in the after final amendment, and augment the justification as to why the claims remain rejected under 35 USC 103(a).

Applicant argues claims 13, 27, and 30 recite, in part, "writing to a master area of a cache and the mirror area of a cache and only when the master area of the first cache is full starting writing in the master area of a second cache", and therefore Hauck does not teach a "capacity of a master area of said cache memory of the one second module runs short when data to be read out through said bridge module into said first module is temporarily preserved in the cache memory of the one second module...". This argument is not persuasive. The argument that writing to a master area of a cache occurs "only when the master area of the first cache is full" is not commensurate with the scope of the claim limitations. Nowhere do these claims require performing this step "only when" the cache is full, rather the claims require "in a case in which a capacity of a master area of said cache memory of the one second module runs short when data to be read out through said bridge module into said first module is temporarily preserved in the cache memory of the one second module, the one second module preserves the readout data in a mirror area of said cache memory of the other second module on the basis of a situation of management by said management means". Hauck in fact teaches this very limitation during the mirroring process as described in the previously cited lines and figures of his disclosure.

Applicant additionally argues that Hashimoto does not disclose writing to mirrored cache areas. This argument is not persuasive as it is clear that Examiner originally asserted that Weber, not Hashimoto in fact teaches these limitations (see page 7, lines 4-14 of the action mailed 7 September 2006).

Lastly, Applicant asserts that Hauck fails to teach a master area of a cache, however this argument is not persuasive. More specifically, Examiner maintains that the master area of a cache memory may be defined as any local or primary cache memory based on the broadest reasonable interpretation of claim, consistent with Applicant's specification, pursuant to MPEP § 2111. Applicant broadly defines a master area of a cache as being a primary or local cache (see paragraphs 0017 and 0040 of Applicant's PG Publication). This definition is consistent with Hauck's description of a primary/local cache as depicted in Fig. 7.